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installing one or more components on the computer based upon the client conditions.

Please add Claims 47-54 as follows

47. The system of Claim 19, wherein the client conditions include a user identification number that is associated with the user.

48. The system of Claim 19, wherein the client conditions include a preferred language.

49. The configuration file of Claim 31, wherein the configuration file is stored on a configuration computer and is accessible for remote retrieval by a client computer, and wherein when the configuration file is transmitted to the client computer it initiates a request for at least one of the components.

50. The configuration file of Claim 31, wherein the configuration file is stored on a configuration server.

51. The system of Claim 38, wherein the client conditions includes a user identification number that is associated with the user.

52. The system of Claim 38, wherein the client conditions include a preferred language.

53. The system of Claim 39, wherein the client conditions include a user identification number that is associated with the user.

54. The system of Claim 39, wherein the client conditions include a preferred language.

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

The specific changes to the amended claims are shown on a separate set of pages hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment. On this set of pages the insertions are underlined while the deletions are stricken through.

Discussion of Claim Rejections Under 35 U.S.C. §§ 102(e) and 103(a)

In the Office Action, the Examiner rejected Claims 1, 2, 5-14, 16-21, and 24-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,151,643 to Cheng, et al. (hereinafter

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“Cheng”). The Examiner rejected Claims 3, 4, 15, 22, 23, 34, 35, and 40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,151,643, to Stratton, et al. (hereinafter “Stratton”).

Claim 1

As a non-limiting example, in one embodiment of Applicant’s system, when a client computer requests an update for a particular component from a component server, the component server check a dependency database to determine whether the client computer has certain prerequisite components. If the components are not there, the component server provides the prerequisite component along with the requested component to the client computer. Verifying that the client computer has certain prerequisite components before upgrading a component reduces the chances that there will be problems for the user when using the upgraded component. Independent Claim 1, as amended, recites: “determining whether at least one component that is necessary for the execution of the requested components is located at the computer.”

Applicant respectfully submits that at least this limitation is not taught or suggested by Cheng. Cheng generally describes a system for updating software products at a client computer. In Cheng, in response to a user request for upgrade, the client computer determines a list of installed software products. *See* col. 7, lines 46-48. For each of the installed components, the client computer determines whether there is an applicable update. *See* col. 7, lines 53-56. The client displays the list of applicable software updates to the user for selection thereof. *See* col. 7, lines 62-64. The client computer then downloads the requested components. *See* col. 8, lines 32-43.

Cheng does not teach or suggest determining whether a requested component is dependent on the presence of other components on the client computer for proper execution. In Cheng, if the user requests a file, it is automatically downloaded and installed irrespective of whether it may be dependent for proper execution on a software component that is not located in the client computer. Since Cheng does not teach or suggest at least this limitation, Applicant respectfully submits that at least Claim 1 is in condition for allowance.

Claims 13, 19, 20, 32, 38, 39 and 41

In one embodiment of Applicant’s invention, when a client computer requests an update for a particular component from a component server, the type of operating system that is

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executing on the client computer is determined. Certain software applications will work on one version of an operating system but not others. The component server uses the operating system of the client computer to determine an appropriate version of the requested software for transmission to the client computer.

Independent Claim 13, as amended, recites: "an upgrade manager executing on the first computer, the upgrade manager configured to transmit information about the system resources of the first computer to the second computer, the information including a description of a type of operating system that is executing in the first computer." Independent Claims 19, 20, 32, 38 and 39, as amended, recite similar limitations.

Cheng does not teach or suggest determining the type of operating system that is executing on the client machine so as to identify the correct version of a requested component. Cheng does not provide any solution to this problem. Since Cheng fails to teach or suggest at least this limitation, Applicant respectfully submits that Claims 13, 19, 20, 32, 38, 39 and 41 are in condition for allowance.

Claims 31 and 40

In one embodiment of Applicant's invention, a configuration file can be stored anywhere on a network. When the configuration file is accessed by a client computer, it triggers an update process on the client computer with respect to certain components that are associated with the configuration file. In one embodiment, the configuration file includes a plurality of component identifiers identifying a number of components. Furthermore, the configuration file includes an expiration time identifying a time by which the components must be installed in the client computer, otherwise the configuration file will not trigger the update.

Independent Claim 31 recites: "A configuration file identifying one or more components for installation on a client computer, the configuration file comprising: a plurality of component identifiers, each of the component identifiers identifying at least one of said one or more components; and an expiration time identifying a time by which the components must be installed in the client computer." Claim 40 includes similar types of limitations.

In the Office Action, the Examiner took the position that Cheng describes a configuration file citing lines 1-26 of the abstract. The cited section generally describes an update database that includes information about the software updates of diverse software vendors and products.

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In the Office Action, the Examiner acknowledged that Cheng fails to teach or suggest including "an expiration time identifying a time by which the components must be installed in the client computer," but took the position that this feature was described in Stratton. Stratton generally describes an apparatus for configuring an ultrasound image system operation at a remote location. Stratton describes that a particular feature cannot be used after a selected definable expiration time.

In the Office Action, the Examiner took the position that "[I]t would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate the teaching of Stratton into the method of Cheng having expiration time associated with the file because one of ordinary skill would want to install the current version of the software and old version". Applicant submits that this finding does not support a prima facie rejection. Applicant submits that the prior art must suggest the desirability of the claimed invention. *See* M.P.E.P. § 2143.01. The fact that references can be modified is not sufficient to establish prima facie obviousness. *Id.* Furthermore, the fact that the claimed invention is within the capability of one of ordinary skill in the art is not sufficient by itself to establish prima facie obviousness. *Id.* In this case, the Examiner has merely made conclusory findings regarding the motivation to modify the Cheng system. In Stratton, the use of expiration time is for a totally different non-analogous problem in a non-analogous product than what is claimed. In Stratton, the expiration date is used to make sure that ultrasound equipment is authorized in its use. The Examiner is proposing that one of ordinary skill in the art would understand to modify the expiration time of Stratton for use in a configuration file that indicates that time that selected components must be installed. Applicant respectfully submits that there is no suggestion in Stratton for using the expiration date for anything other than describing a usage period for the ultrasound imaging system and it is not intended or suggested for use in installing software components. Applicant respectfully submits that the Examiner is improperly using hindsight and using the claims as a blueprint. Applicant respectfully submits that the Examiner has failed to provide a prima facie rejection and that independent Claims 31 is in condition for allowance.

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Claims 2-12, 14-18, 21-30, 33-37, and 42-54

Since Claims 2-12, 14-18, 21-30, 33-37, and 42-54 each depend on one of Claims 1, 13, 19, 20, 31, 32, 38, 39, and 41, Applicant respectfully submits that these claims are allowable for at least the reasons discussed above and the subject matter of their own limitations.

Summary

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/24/2003

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) A method of selecting components for installation on a computer, the method comprising the acts of:

receiving a request for the upgrade of one or more components;

determining one or more system conditions regarding the computer; ~~and~~ including
determining whether at least one component that is necessary for the execution of the requested
components is located at the computer; and

identifying one or more components for installation on the computer based upon the request and the system conditions.

13. (Amended) A computer system having a configuration subject to change over time, the system comprising:

a first computer having one or more system resources;

a second computer operably connected to the first computer, the second computer associated with one or more installable components;

a configuration file that is readable by the first computer, the configuration file identifying at least one requested component;

an upgrade manager executing on the first computer, the upgrade manager configured to transmit information about the system resources of the first computer to the second computer, the information including indication of components of an operating system that is executing in the first computer; and

an upgrade handler executing on the second computer, the upgrade handler configured to transmit the location of one or more installable components from the second computer to the first computer based upon the at least one requested component and the system resources of the first computer.

19. (Amended) A system for installing one or more components on a client computer, the system including:

~~a network;~~

a client computer operably connected to with the network, the client computer identifying one or more client conditions including operating system that are executing on the client computer;

a configuration file identifying at least one of the components; and

a component server for receiving the client conditions and the configuration file from the client computer, the component server identifying the location of one or more components based upon the components identified by the configuration file and the client conditions.

20. A system for selecting components for installation on a computer, the system comprising:

means for receiving a request for the upgrade of one or more components;

means for determining one or more system conditions regarding the computer, the system conditions including a type of operating system that is executing on the computer; and

means for identifying one or more components based upon the request and the system conditions.

32. (Amended) A method of selecting components for installation on a computer, the method comprising the acts of:

receiving a request for the upgrade of one or more components; and

identifying one or more components for installation on the computer based upon the request and the system conditions of the computer, the system conditions including a characteristic of an operating system that is executing on the computer.

38. (Amended) A system for selecting components for installing, the system comprising:

a client computer having a processor, a computer-readable storage medium and data communication subsystem; and

an upgrade manager executing on the client computer, wherein the upgrade manager retrieves via the data communication subsystem a configuration file identifying one or more components, wherein the upgrade manager stores the configuration file in the computer-readable storage medium, and wherein the upgrade manager identifies one or more client conditions that are associated with the client computer, the system conditions including features of the operating system that is executing on the computer, and wherein the upgrade manager generates an upgrade request that includes the contents of the configuration file and the client conditions.

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39. (Amended) A system for selecting components for installation, the system comprising:

a server computer having a processor, a computer-readable storage medium and data communication subsystem; and

an upgrade handler residing in the computer-readable storage medium and executing on the server computer, the upgrade handler configured to identify the location of one or more components upon receiving via the data communication subsystem one or more system conditions of a client computer, the system conditions including indications about an operating system that is executing on the computer.

41. (Amended) A method of selecting components for installation on a computer, the method comprising:

determining one or more client conditions regarding the computer, the client conditions including one or more operating system that are executing on the computer;

transmitting a request for the upgrade of one or more components; and

identifying installing one or more components ~~for installation~~ on the computer based upon the client conditions.

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